

**MOTOROLA**  
FAX TRANSMITTAL SHEET

Motorola, Inc.  
Intellectual Property Section  
Law Department  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196  
Telephone: (847) 538-2725  
Facsimile: (847) 576-3750

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2005

9 Number of Pages (including this page)

**Date:** December 29, 2005

**To:** Examiner Wozniak, James S. - Group 2655

**Location:** United States Patent and Trademark Office

**Fax No.:** 571-273-8300

**From:** Jeffrey K. Jacobs (Registration No. 44,798)

**Subject:** Serial No. 09/767,522 - Lee M. Proctor

**NOTICE:** This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

**MESSAGE:**

Enclosed herewith, please find a AFTER FINAL RESPONSE Office Action for filing in the below-identified application.

**PLEASE GIVE THESE PAPERS TO:**

EXAMINER:	Wozniak, James S.
GROUP ART UNIT:	2655
SERIAL NO.:	09/767,522
FILED:	January 23, 2001
INVENTOR:	Lee M. Proctor
ATTORNEY DOCKET NO.:	CE08569R

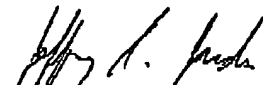
PTO/SB/21 (08-00)

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/767,522	
	Filing Date	January 23, 2001	
	First Named Inventor	Lee M. Proctor	
	Group Art Unit	2655	
	Examiner Name	Wozniak, James S.	
Total Number of Pages in this Submission	Attorney Docket Number	CE08569R	


  

ENCLOSURES		(check all that apply)	
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recordation of Document	Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	December 29, 2005		

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 571-273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:			
Typed or printed name	Nanette Orr Jeffrey K. Jacobs		
Signature		Date	December 29, 2005

<b>FEE TRANSMITTAL</b>		<b>Complete if Known</b>																																																																																																																																																							
Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/767,522																																																																																																																																																						
		Filing Date	January 23, 2001																																																																																																																																																						
		First Named Inventor	Lee M. Proctor																																																																																																																																																						
		Examiner Name	Wozniak, James S.																																																																																																																																																						
		Group Art Unit	2655																																																																																																																																																						
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08569R																																																																																																																																																						
<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																							
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number <span style="border: 1px solid black; padding: 2px;">502117</span> Deposit Account Name <span style="border: 1px solid black; padding: 2px;">Motorola, Inc.</span>		<b>3. ADDITIONAL FEES</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th style="text-align: left;">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>65</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>650</td><td>2253</td><td>475</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2010</td><td>2255</td><td>1005</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>145</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to Institute a public use proceeding</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>1330</td><td>2501</td><td>665</td><td>Utility issue fee (or rehear)</td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td></tr> <tr><td>1480</td><td>130</td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>1809</td><td>770</td><td>2808</td><td>385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> </tbody> </table>		Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)		1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	110	2251	65	Extension for reply within first month	1252	420	2252	210	Extension for reply within second month	1253	650	2253	475	Extension for reply within third month	1254	1480	2254	740	Extension for reply within fourth month	1255	2010	2255	1005	Extension for reply within fifth month	1401	330	2401	165	Notice of Appeal	1402	330	2402	165	Filing a brief in support of an appeal	1403	280	2403	145	Request for oral hearing	1451	1510	1451	1510	Petition to Institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1330	2453	665	Petition to revive - unintentional	1501	1330	2501	665	Utility issue fee (or rehear)	1502	480	2502	240	Design issue fee	1503	640	2503	320	Plant issue fee	1480	130	1480	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	1806	180	1806	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	770	2808	385	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	1801	770	2801	385	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application
Large Entity	Small Entity	Large Entity	Small Entity	Fee Description																																																																																																																																																					
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																						
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																					
1052	50	2052	25	Surcharge - late Provisional filing																																																																																																																																																					
1053	130	1053	130	Non-English specification																																																																																																																																																					
1812	2520	1812	2520	For filing a request for ex parte Reexamination																																																																																																																																																					
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																					
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																					
1251	110	2251	65	Extension for reply within first month																																																																																																																																																					
1252	420	2252	210	Extension for reply within second month																																																																																																																																																					
1253	650	2253	475	Extension for reply within third month																																																																																																																																																					
1254	1480	2254	740	Extension for reply within fourth month																																																																																																																																																					
1255	2010	2255	1005	Extension for reply within fifth month																																																																																																																																																					
1401	330	2401	165	Notice of Appeal																																																																																																																																																					
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																					
1403	280	2403	145	Request for oral hearing																																																																																																																																																					
1451	1510	1451	1510	Petition to Institute a public use proceeding																																																																																																																																																					
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																					
1453	1330	2453	665	Petition to revive - unintentional																																																																																																																																																					
1501	1330	2501	665	Utility issue fee (or rehear)																																																																																																																																																					
1502	480	2502	240	Design issue fee																																																																																																																																																					
1503	640	2503	320	Plant issue fee																																																																																																																																																					
1480	130	1480	130	Petitions to the Commissioner																																																																																																																																																					
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)																																																																																																																																																					
1806	180	1806	180	Submission of IDS																																																																																																																																																					
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																					
1809	770	2808	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																					
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																					
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																					
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																					
<b>1. BASIC FILING FEE</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th style="text-align: left;">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr><td>1001</td><td>300</td><td>Basic filing fee</td></tr> <tr><td>1002</td><td>500</td><td>Utility search fee</td></tr> <tr><td>1003</td><td>200</td><td>Utility examination fee</td></tr> <tr><td>1005</td><td>200</td><td>Provisional filing fee</td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Paid	Fee Code	Fee (\$)		1001	300	Basic filing fee	1002	500	Utility search fee	1003	200	Utility examination fee	1005	200	Provisional filing fee	SUBTOTAL (1) (\$ <span style="border: 1px solid black; padding: 2px;">360</span> )																																																																																																																																					
Large Entity	Small Entity	Fee Paid																																																																																																																																																							
Fee Code	Fee (\$)																																																																																																																																																								
1001	300	Basic filing fee																																																																																																																																																							
1002	500	Utility search fee																																																																																																																																																							
1003	200	Utility examination fee																																																																																																																																																							
1005	200	Provisional filing fee																																																																																																																																																							
<b>2. EXTRA CLAIM FEES</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Total Claims</th> <th style="text-align: left;">Previously Paid**</th> <th style="text-align: left;">Extra Claims</th> <th style="text-align: left;">Fee from below</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td><span style="border: 1px solid black; padding: 2px;">20</span></td> <td><span style="border: 1px solid black; padding: 2px;">3</span></td> <td><span style="border: 1px solid black; padding: 2px;">50</span></td> <td><span style="border: 1px solid black; padding: 2px;">150</span></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td><span style="border: 1px solid black; padding: 2px;">360</span></td> <td><span style="border: 1px solid black; padding: 2px;">360</span></td> </tr> </tbody> </table>		Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid	Independent Claims	<span style="border: 1px solid black; padding: 2px;">20</span>	<span style="border: 1px solid black; padding: 2px;">3</span>	<span style="border: 1px solid black; padding: 2px;">50</span>	<span style="border: 1px solid black; padding: 2px;">150</span>	Multiple Dependent			<span style="border: 1px solid black; padding: 2px;">360</span>	<span style="border: 1px solid black; padding: 2px;">360</span>	SUBTOTAL (2) (\$ <span style="border: 1px solid black; padding: 2px;">360</span> )																																																																																																																																								
Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid																																																																																																																																																					
Independent Claims	<span style="border: 1px solid black; padding: 2px;">20</span>	<span style="border: 1px solid black; padding: 2px;">3</span>	<span style="border: 1px solid black; padding: 2px;">50</span>	<span style="border: 1px solid black; padding: 2px;">150</span>																																																																																																																																																					
Multiple Dependent			<span style="border: 1px solid black; padding: 2px;">360</span>	<span style="border: 1px solid black; padding: 2px;">360</span>																																																																																																																																																					
<b>2. EXTRA CLAIM FEES (continued)</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th style="text-align: left;">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr><td>1202</td><td>50</td><td>Claims in excess of 20</td></tr> <tr><td>1201</td><td>200</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203</td><td>360</td><td>Multiple dependent claim, if not paid</td></tr> <tr><td>1204</td><td>200</td><td>* Reissue independent claims over original patent</td></tr> <tr><td>1205</td><td>50</td><td>* Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Code	Fee (\$)		1202	50	Claims in excess of 20	1201	200	Independent claims in excess of 3	1203	360	Multiple dependent claim, if not paid	1204	200	* Reissue independent claims over original patent	1205	50	* Reissue claims in excess of 20 and over original patent	SUBTOTAL (3) (\$ <span style="border: 1px solid black; padding: 2px;">360</span> )																																																																																																																																		
Large Entity	Small Entity	Fee Description																																																																																																																																																							
Fee Code	Fee (\$)																																																																																																																																																								
1202	50	Claims in excess of 20																																																																																																																																																							
1201	200	Independent claims in excess of 3																																																																																																																																																							
1203	360	Multiple dependent claim, if not paid																																																																																																																																																							
1204	200	* Reissue independent claims over original patent																																																																																																																																																							
1205	50	* Reissue claims in excess of 20 and over original patent																																																																																																																																																							
<b>SUBMITTED BY</b> Name (Print/Type) <span style="border: 1px solid black; padding: 2px;">Jeffrey K. Jacobs</span> Signature <span style="border: 1px solid black; padding: 2px;"><i>Jeffrey K. Jacobs</i></span>		<b>Complete (if applicable)</b> Registration No. <span style="border: 1px solid black; padding: 2px;">44,798</span> Telephone <span style="border: 1px solid black; padding: 2px;">847/576-5582</span> Date <span style="border: 1px solid black; padding: 2px;">December 29, 2005</span>																																																																																																																																																							

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2005

**AFTER FINAL**  
**EXPEDITED PROCEDURE**

I hereby certify that this correspondence is being transmitted via facsimile  
to the Assistant Commissioner for Patents at (571) 273-8300  
(Attention: Examiner Wozniak)  
on December 28, 2005.

Jeffrey L. Proctor 12/28/05  
Signature date

- PATENT -

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Proctor et al.	EXAMINER:	Wozniak, James S
SERIAL NO.:	09/767,522	GROUP:	2655
FILED:	01/23/2001	CASE NO.:	CE08569R
ENTITLED:	METHOD AND APPARATUS FOR REDUCING RATE DETERMINATION ERRORS AND THEIR ARTIFACTS		

---

Motorola, Inc.  
Corporate Offices  
1303 E. Algonquin Road  
Schaumburg, IL 60196  
December 29, 2005

**RESPONSE AFTER FINAL REJECTION**

Honorable Assistant Commissioner of  
Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed November 21, 2005, the following response is hereby respectfully submitted by the applicants. Reconsideration of any outstanding objections and/or rejections and allowance of the present application are respectfully requested.